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THE DISCOVERY OF THE DEUTERONOMIC LAW

PROFESSOR EDOUARD MONTET
The University of Geneva, Switzerland

In a series of communications made by Professor Edouard Naville, the well-known Egyptologist, in 1907, to the Society of the Theological Sciences in Geneva, and to the Society of Biblical Archaeology in London,¹ and in 1909 to the Académie des Inscriptions et Belle-Lettres in Paris,² this scholar has proposed an original hypothesis concerning the origin of Deuteronomy and the discovery of the Book of the Law under Josiah.

The stakes placed by Professor Naville for the erection of this historical structure, or, to speak without figures, the fundamental arguments of his course of reasoning are as follows:

1. The point of departure of Professor Naville's whole argument consists essentially in the testimony of some Egyptian texts concerning the origin of "The Chapter of the Heart" from the *Book of the Dead* found under the statue of the god in the temple at Hermopolis. The authority which the *Book of the Dead* enjoyed in ancient Egypt is well known. This authority was equal to that of the law among the ancient Hebrews. The "Chapter of the Heart" contains the words which the deceased was supposed to address to his heart at the judgment scene at the moment when he is about to be weighed in the balances.

Concerning this chapter we read in various papyri the following statements:³

This chapter was found at Shmun [Hermopolis] on a slab of stone of the South, written in true lapis *under the feet of this god*.

This chapter was found at Shmun [Hermopolis] on a brick or slab of stone of the South *under the feet of the Majesty of this venerable god*, in the writing

¹ *Proceedings of the Society of Biblical Archaeology*, June 12, 1907. The work read by Professor Naville will appear in the *Memoirs of the Academy*.

² *Comptes-rendus de l'Académie*, July 20 and November 5, 1909.

³ The citations which follow are extracted from the *Proceedings of the Society of Biblical Archaeology*.

of the god himself, in the time of the Majesty of the King of Upper and Lower Egypt, Menkaura. The royal son Hordedef found it when he was on his way to inspect the temples of Egypt.

Furthermore, it is said, in reference to other religious writings, that they were laid in the foundation walls of the temple. We read in a papyrus regarding chap. lxiv of the same *Book of the Dead* in the chapter on "Going out of the Day":

This chapter ⁴ was found in the foundations of [the god] Amihunnu by the overseer of the men who built a wall, in the time of King Usaphais.

Professor Naville from these texts and others like them draws the conclusion that in ancient Egypt religious writings having great authority were deposited in the foundations of the temples or under the statues of divinities.

2. The *Book of the Law* found in the temple at Jerusalem under Josiah was a discovery analogous to that of the chapters of the *Book of the Dead* found in the foundations of the temples or under the statues of the gods. Professor Naville likens it to the discovery of the chapter found in the foundations of the temple.

3. The temple at Jerusalem having been built in the time of Solomon, the *Book of the Law* was deposited in the foundations of the temple during that reign.

4. The *Book of the Law* is Deuteronomy.

5. The high priest Hilkiyah, who found this book, gave it to the royal secretary, Shaphan, to be read, hence he could not read it himself, nor understand its significance.

6. It follows that this book was not written in Hebrew but in the language of the educated men of that time, that is, in Assyrian and in cuneiform characters.

Such are the theses of Professor Naville by which he justifies his hypothesis regarding the origin of Deuteronomy. They scarcely need to be refuted, they are so feebly established. We respond to them with the following observations:

1. It is only by a simple and very vague analogy that the discovery of the law under Josiah can be likened to the chapter of the *Book of the Dead* found in the foundations of the Egyptian

⁴ The chapter in question is a brief edition of one chapter and regularly bears the title, "Chapter of Knowing the Chapters of Going Out of the Day in one Chapter."

temple. Moreover, the proposed resemblance rests upon an inexact affirmation. As a matter of fact, it is not said in the biblical text that the roll of the law was found in the foundations of the temple at Jerusalem. It is written only that it was discovered in the temple, without any indication of the precise place. "Then Hilkiah the high priest said to Shaphan the secretary, I have found the *Book of the Law* in the house of Jehovah" (II Kings 12:8, according to the Greek and Hebrew text).

According to II Chron. 34:14 (in both Hebrew and Greek text), if one is at all justified in attributing any authority to this redaction from a very late age, it seems that the *Book of the Law* was discovered in the vicinity of the sacred treasury. We read, indeed, in the Hebrew text: "When they withdrew the money that had been brought into the house of Jehovah, Hilkiah the high priest found the *Book of the Law* of Jehovah given by Moses." The translation of the Septuagint is identical with the original text. Whatever may be the value of the affirmation of Chronicles, it is nowhere said in the biblical texts that the *Book of the Law* was found in the days of Josiah in the foundations of the temple. This book, then, had not been deposited in those foundations in the time of Solomon.

2. Professor Naville, in order to affirm that the *Book of the Law* was written in a language unknown to the high priest, insists upon the fact that Hilkiah did not read it but gave it to be read to the royal secretary, to the scribe, to the educated man, who read it aloud before the king. In any case the king understood the text of it since after the reading he rent his garments as a sign of grief.

In the course of reasoning thus supported there are evident confusions. The fact is that Shaphan read the book first of all for himself (II Kings 22:8). Furthermore, it is not said that the high priest had not read the book before handing it over to Shaphan; it is simply stated that Hilkiah found the book and then handed it to the royal secretary. It seems rather to result from the context that Hilkiah, who found the book, read it, and then, judging the book to be of exceptional interest, gave it to the royal secretary in order that he might carry it to the king. According to the tenor of the texts themselves the *Book of the Law* does not appear to have

been incomprehensible to anyone. Consequently, there is no necessity for supposing it to have been written in an unknown language or in unknown characters.

3. If the facts were in accordance with the theory of Professor Naville, we should arrive at this strange result, that a law from the period of Solomon, an important document and of great authority, must have existed in only one copy, and was moreover unknown to anyone, since it was hidden in the foundations of the temple.

4. Professor Naville does not hesitate to admit that the *Book of the Law* found under Josiah was Deuteronomy. Why? Because Professor Naville accepts the conclusions of biblical critics which have demonstrated that this book was indeed Deuteronomy. Is there not now a certain inconsistency in accepting this particular point of criticism, while repudiating the most essential part of the work of those exegetes who have established that Deuteronomy is a work from the period of Josiah? If Deuteronomy was composed in the period of Josiah, it cannot have been deposited in the foundations of Solomon's temple.

5. However, everything tends to show that Deuteronomy is a book of the prophetic school composed in the period of the king, Josiah:

a) The concentration of the cultus at Jerusalem in the reign of Josiah corresponds to the absolute monotheism preached by Deuteronomy, a monotheism the symbol and the concrete formula of which is the unity of the place of worship at Jerusalem.

b) The criticism of royalty made by the Deuteronomist (17:14-20) applies to the abuse of that political régime in Israel, and more particularly to the sumptuous reign of Solomon, especially indicated by the multitude of women in the royal harem (vs. 17) and by the great number of horses imported from Egypt (vs. 16). Solomon would not have taken pains to deposit in the foundations of the temple a book containing so sharp a criticism of his reign.

c) We should seek in vain in the biblical writings prior to the seventh century, particularly in the ancient prophets, for a trace of the influence of Deuteronomic ideas. Such influence reveals itself only after the appearance of Deuteronomy; that is to say, in the course of the seventh century and later. In the writings of

the Old Testament composed later than Deuteronomy there are several which have been modified by editors with Deuteronomic tendencies; but it is above all in Jeremiah, the great prophet of the seventh century, that there is revealed the great current of new ideas, both religious and ethical, of which the Deuteronomist was the initiator.

The hypothesis put forth by Professor Naville will not withstand, therefore, a thorough examination of the biblical texts. That being so, let us attempt to represent to ourselves that which took place in the seventh century at Jerusalem in the period of Josiah in the eighteenth year of his reign, viz., 621 B.C.

In 621 when the repairs upon the temple were being made which the king had ordered, the high priest found the *Book of the Law*. This book was read to the king, who, upon the reading of this document of so capital an importance, manifested the most evident signs of the deepest grief and formed the decision to destroy in his kingdom all polytheism and all idolatry, a reform which was literally realized. What then took place?

1. There had existed for a long time in Israel and more particularly in the kingdom of Judah a party of religious reform which had had its most authentic and eminent representatives in the great prophets of the eighth century. Isaiah, Micah, Joel, and their anonymous contemporaries in the kingdom of the south, with Amos and Hosea in the northern kingdom, had all preached an absolute monotheism incompatible with the polytheistic tendencies of the mass of the Israelites. They had labored with ardor in the moral and religious reformation of a people hostile to conversion because it was so deeply attached to traditional customs and to the prevalent morality which it had adopted in common with the pagan populations in its immediate neighborhood. But as a matter of fact the prophets of the eighth century were all beyond their times. They were understood only by an elect few.

2. The necessity of a religious and moral reform, in spite of the check upon the prophetic preaching of the eighth century, was no less imposed upon the patriots solicitous for the spiritual interests of their nations. But in order to realize that reform, in order to impose it upon the *milieu* of a very mediocre culture—in a word,

in order to make the spiritual principles of Jehovah-worship penetrate the urban and rural populations of the land of Judah, there was needed a concourse of special and exceptional circumstances to come to the aid of the reformers. This concourse of circumstances presented itself in the seventh century in Judah.

3. About 630 B.C. the Scythians invaded eastern Asia. They formed a terrific invasion, penetrating in 626 into Palestine; but that mountainous and relatively poor country was neither a tempting nor a satisfactory prey to the appetites of these Asiatics. It was Egypt which attracted them. It was toward Egypt, renowned for the riches of its Pharaohs and for its great lords, more celebrated, perhaps, still, even to the very heart of Asia, for the proverbial fertility of its soil, that the Scythians directed themselves, following the coast of Palestine. "This cruel people coming from the north and speaking in an unknown tongue"⁵ left on one side, thus sparing it, the little country of Judah, whose inhabitants trembled with fright, their thoughts consequently becoming serious and their hearts open sincerely and piously to the appeals to repent and be converted made by the prophets. The times were ripe for a religious and moral reform. The preaching of the old prophets was at last to yield its fruits.

4. In order to spread abroad among the masses of the people the lofty instruction of the prophets, it was absolutely necessary to do a work of popularization. It was essential to put the Jehovah-worship of the prophets upon the level of the people. However, he who says popularization says diminution. In expressing in a popular book moral and religious ideas as pure and lofty as those of the prophets, it was impossible not to lower the prophetic ideal.

For this commandment which I command thee this day, it is not too hard for thee, neither is it far off. It is not in heaven, that thou shouldest say, Who shall go up for us to heaven, and bring it unto us, and make us to hear it, that we may do it? Neither is it beyond the sea, that thou shouldest say, Who shall go over the sea for us, and bring it unto us, and make us to hear it, that we may do it? But the word is very nigh unto thee, in thy mouth, and in thy heart, that thou mayest do it (Deut. 30:11-14).

⁵ See Jer., chaps. 4 and 5 *passim*, and more particularly 4:6 and 5:15-17. Cf. Zephaniah *passim*.

5. This popular book, which was to propagate the Jehovah-worship of the prophets and to call forth a religious and moral reform, was composed and published by some prophets of the seventh century among whom there is every reason to reckon Jeremiah. They wrote it under the form of a sermon, which they placed in the authoritative mouth of Moses, thus using a literary procedure of which antiquity presents more than one example. This discourse of Moses at first included only a part, the principal one, of Deuteronomy, consisting essentially of 4:44 to chaps. 26 and 28. There were added to the primitive book in succession other fragments of Deuteronomy, all originating from the brain and the pen of writers of the same school.

6. This book contained in germ the future reform, and in conformity with a religious usage of which oriental antiquity offered several examples, especially in Egypt, it was deposited in the temple at Jerusalem. The precise spot is unknown. Perhaps it was in the hall of the treasury. The purpose of this deposit, which was not, properly speaking, a *pia fraus* (the word is too strong and appears to us inappropriate), was to give to the book a very religious authority. It was in the temple that the high priest Hilkiah found the book which the prophets had deposited there, a book which was called the *Book of the Law* and much later was called Deuteronomy. It is thus that the religious and moral reform, prepared for long in advance by the prophetic school, became possible in Judah, and was realized by King Josiah in the year 621, the very year of the discovery of the *Book of the Law*. It does not fall to us to say here what was the value of that reform, what it accomplished, or what depth it attained.